

United States Senate

795

September 28, 2017

Chairman Ajit Pai  
Federal Communication Commission  
445 12th St SW,  
Washington, DC 20554

Dear Chairman Pai,

I am writing in opposition to the 'Restoring Internet Freedom' Notice of Proposed Rulemaking (NPRM) that would roll back the 2015 Open Internet Order.

I appreciate your stated commitment to expanding broadband access to rural and underserved communities. As you know, this is a challenge that both rural and urban communities in Maryland face. Economic opportunities are often limited in areas without broadband; the government and the private sector should work together to address the digital divide. This effort is critical to job creation in the 21<sup>st</sup> century economy.

However, it is also critical that broadband service providers deliver fair and equal access to all users, regardless of socioeconomic status. Numerous polls have shown that Americans, across the political spectrum, overwhelmingly support regulations that would prevent broadband companies from discriminating against certain data. It is also imperative that the internet remain an equal playing field, allowing small businesses to compete equally against large corporations. The internet should encourage, not stifle, American entrepreneurship. A free and open internet, safeguarded with the certainty of the FCC's Title II authority, is essential to foster innovation, competition, and choice. The comprehensive consumer protections in Title II will ensure that the FCC safeguards an open internet for all Marylanders and Americans.

In the NPRM, you stated that the 2015 Open Internet Order has caused a decrease in innovation and broadband infrastructure.<sup>[1]</sup> You further state that ISPs, both large and small, have curtailed investment in infrastructure and slowed expansion of their networks due to regulatory uncertainty.<sup>[2]</sup> I challenge you to look beyond the three small ISPs that testified before the Commission and to closely analyze the broadband industry as a whole. Those ISP companies testified a mere two months after the Open Internet Order and recent data suggests that broadband infrastructure investment has increased since 2015.<sup>[3]</sup>

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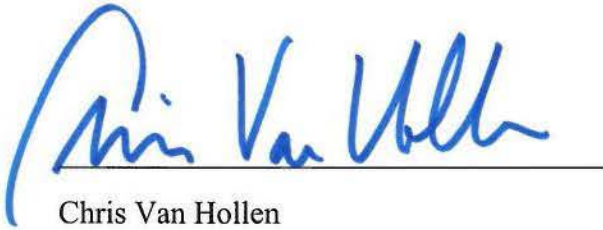
<sup>[1]</sup> Federal Communications Commission, *Restoring Internet Freedom, Notice of Proposed Rulemaking* (WC Docket No. 17-108) (2017), available at: [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-17-60A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-60A1.pdf).

<sup>[2]</sup> *Id.*

<sup>[3]</sup> Derek Turner, *It's Working: How the Internet Access and Online Video Markets Are Thriving in the Title II Era* (May 2017), available at: <https://www.freepress.net/sites/default/files/resources/internet-access-and-online-video-markets-are-thriving-in-title-ii-era.pdf>

As technology develops and consumers become even more dependent upon internet access, it is imperative that the FCC ensures that the internet is not divided between the haves and the have-nots. I trust that you keep in mind the millions of Americans who want unfettered access to the internet and guarantee that everyone has equal access and true "internet freedom."

Sincerely,

A handwritten signature in blue ink, reading "Chris Van Hollen", written over a horizontal line.

Chris Van Hollen  
U.S. Senator



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

January 19, 2018

The Honorable Chris Van Hollen  
United States Senate  
B40C Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Van Hollen:

Thank you for your letter regarding the Restoring Internet Freedom Notice of Proposed Rulemaking (NPRM) adopted by the Commission on May 18, 2017. I share your view on the importance of having a free and open Internet. And in this proceeding, the Commission made a determination that Title I of the Communications Act provides the best legal framework for both protecting Internet freedom and providing strong incentives for investment in the next-generation networks that will bring digital opportunity to all Americans, including the start-ups and entrepreneurs you refer to in your letter.

Your views are very important and were considered as part of the Commission's review. I look forward to continuing to work with you and your colleagues on this critical issue. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Ajit V. Pai", is written over a printed name label.

Ajit V. Pai